

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MELVIN LOWE,
Plaintiff,

-vs-

MONTGOMERY COUNTY BOARD
OF EDUCATION, *et al.*,
Defendants.

Case No. 2:05-cv-495-WKW

AMENDED MOTION FOR SUMMARY JUDGMENT
ON BEHALF OF DEFENDANTS
MONTGOMERY COUNTY BOARD OF EDUCATION,
VICKIE JERNIGAN, MARK LABRANCHE, TOMMIE MILLER,
MARY BRIERS, DAVE BORDEN, HENRY A. SPEARS,
BEVERLY ROSS, AND DR. CARLINDA PURCELL

COME NOW the Montgomery County Board of Education, the individual Board members and the Superintendent, Defendants in the above-styled cause, and pursuant to *Federal Rule of Civil Procedure* 56, move this Honorable Court to grant summary judgment in their favor in that there is no genuine issue of material fact to be submitted to a jury and judgment should be entered for Defendants as a matter of law as to all Plaintiff's claims against them. In support of this motion, these Defendants rely upon the following:

1. All pleadings filed in this matter.
2. Exhibits 1 through 84, attached hereto, and specifically:
 - Exhibit "1" Deposition of Melvin Lowe
 - Exhibit "2" Professional Certificate for Melvin Lowe
 - Exhibit "3" Affidavit of Jimmy Barker
 - Exhibit "4" August 9, 1999 Letter of Appointment
 - Exhibit "5" Deposition of Jimmy Barker
 - Exhibit "6" June 20, 2000 Letter of Appointment

Exhibit "7"	Complaints Regarding Vera Thompson
Exhibit "8"	June 28, 2001 Letter Confirming Transfer
Exhibit "9"	February 21, 2002 Letter of Administrative Leave
Exhibit "10"	February 25, 2002 Investigation Memorandum
Exhibit "11"	Investigative Packet
Exhibit "12"	March 18, 2002 Letter of Reprimand
Exhibit "13"	May 27, 2002 Letter of Nonrenewal
Exhibit "14"	October 22, 2003 Letter of Appointment
Exhibit "15"	November 12, 2003 Corrected Letter of Appointment
Exhibit "16"	Deposition of James Owens
Exhibit "17"	Position Announcement for Teacher-Tutor
Exhibit "18"	October 13, 2003 Personnel Action Report
Exhibit "19"	PEPE Evaluation
Exhibit "20"	May 19, 2004 Letter of Nonrenewal
Exhibit "21"	August 17, 2004 Letter of Appointment
Exhibit "22"	Deposition of Carlinda Purcell
Exhibit "23"	June 23, 2005 Email from Jimmy Barker
Exhibit "24"	June 22, 2005 Email to Carlinda Purcell
Exhibit "25"	EEOC Charge of Discrimination
Exhibit "26"	October 15, 2004 Request for Professional Leave
Exhibit "27"	December 3, 2004 Email from Mike Looney
Exhibit "28"	December 3, 2004 Email to Carlinda Purcell
Exhibit "29"	February 22, 2005 Request for Professional Leave
Exhibit "30"	December 3, 2004 Email to Carlinda Purcell

Exhibit "31"	February 16, 2005 Letter to Carlinda Purcell
Exhibit "32"	June 23, 2005 Email to Jimmy Barker
Exhibit "33"	Affidavit of Sophia Johnson
Exhibit "34"	Position Announcement for Schoolwide Instructional Assistant
Exhibit "35"	Professional Certificate for Pamela Cloud
Exhibit "36"	December 16, 2004 Personnel Action Report
Exhibit "37"	Affidavit of Tina Minott
Exhibit "38"	Position Announcement for Administrative Assistants
Exhibit "39"	Deposition of Bobby Abrams
Exhibit "40"	June 24, 2004 Personnel Action Report
Exhibit "41"	Deposition of David Sikes
Exhibit "42"	Position Announcement for Administrative Assistants
Exhibit "43"	Deposition of Quesha Starks
Exhibit "44"	Position Announcement for Various Teaching Positions
Exhibit "45"	September 20, 2005 Personnel Action Report
Exhibit "46"	Position Announcement for Reading Coach
Exhibit "47"	October 18, 2005 Personnel Action Report
Exhibit "48"	Position Announcement for Administrative Assistant
Exhibit "49"	August 28, 2003 Personnel Action Report
Exhibit "50"	Professional Certificate for Jessietta Crawford
Exhibit "51"	Position Announcement for Educational Specialist
Exhibit "52"	June 24, 2004 Personnel Action Report
Exhibit "53"	Professional Certificate for Connie Mizell
Exhibit "54"	Position Announcement for Educational Technology Professional Development Program Coordinator

Exhibit "55"	Professional Certificate for Kevin Culpepper
Exhibit "56"	Letter of Interest from Kevin Culpepper
Exhibit "57"	Professional Certificate for Angela Mangum
Exhibit "58"	Position Announcement for Title I Schoolwide Instructional Assistants
Exhibit "59"	Professional Certificate for Schoolwide Instructional Assistants
Exhibit "60"	Position Announcement for Administrative Assistant
Exhibit "61"	July 23, 2002 Personnel Action Report
Exhibit "62"	Professional Certificate for Gloria Odutola
Exhibit "63"	Position Announcement for Elementary Teachers
Exhibit "64"	September 25, 2003 Personnel Action Report
Exhibit "65"	August 16, 2005 Personnel Action Report
Exhibit "66"	Position Announcement for Administrative Assistants
Exhibit "67"	Professional Certificates for Administrative Assistants
Exhibit "68"	Position Announcement for Educational Specialist in Office of Student and Community Services
Exhibit "69"	June 28, 2005 Personnel Action Report
Exhibit "70"	Professional Certificate for Susan Terrell
Exhibit "71"	Position Announcement for Title I Program Evaluator
Exhibit "72"	Position Announcement for Title I Teacher Tutor
Exhibit "73"	Professional Certificate for Essie Baker
Exhibit "74"	December 16, 2004 Personnel Action Report
Exhibit "75"	Position Announcement for Reading Specialists
Exhibit "76"	Professional Certificate for Karen Vann
Exhibit "77"	Professional Certificate Inquiries for Annette Sikes
Exhibit "78"	Position Announcement for Math Specialists

- Exhibit "79" January 27, 2005 Personnel Action Report
 - Exhibit "80" May 16, 2005 Personnel Action Report
 - Exhibit "81" Professional Certificates for Math Specialists
 - Exhibit "82" Position Announcement for Title I Schoolwide Instructional Assistants
 - Exhibit "83" Professional Certificate for Schoolwide Instructional Assistants
 - Exhibit "84" Position Announcement for District Resource/Attendance Officer
3. Memorandum Brief in Support of Defendants' Motion for Summary Judgement, filed contemporaneously with this motion.

WHEREFORE, These Premises Considered, the Montgomery County Board of Education, the individual Board members and the Superintendent request summary judgment be granted in their favor and all Plaintiff's claims against them be dismissed as a matter of law.

Respectfully submitted this the 3rd day of April 2006.

MONTGOMERY COUNTY BOARD OF
EDUCATION, VICKIE JERNIGAN, MARK
LABRANCHE, TOMMIE MILLER, MARY
BRIERS, DAVE BORDEN, HENRY A.
SPEARS, BEVERLY ROSS, and
DR. CARLINDA PURCELL, Defendants,

By: /S/ James R. Seale

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing *Amended Motion for Summary Judgment On Behalf of Defendants Montgomery County Board of Education, Vickie Jernigan, Mark Labranche, Tommie Miller, Mary Briers, Dave Borden, Henry A. Spears, Beverly Ross, and Dr. Carlinda Purcell* with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: William F. Patty, Esquire (bpatty@beersanderson.com) this the 3rd day of April, 2006.

/S/ James R. Seale